

Gibney, Anthony & Flaherty, LLP
John Macaluso (JM 2058)
665 Fifth Avenue
New York, New York 10022
Telephone (212) 688-5151
Facsimile (212) 688-8315
E-mail: jmacaluso@gibney.com

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 8/1/08

Of Counsel:

STEPHEN M. GAFFIGAN, P.A.
Stephen M. Gaffigan
312 S.E. 17th Street – Second Floor
Ft. Lauderdale, Florida 33316
Telephone (954) 767-4819
Facsimile (954) 767-4821
Email: stephen@smgpa.net

Attorneys for Plaintiff
Chanel, Inc.

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CHANEL, INC., a New York Corporation,

Plaintiff,

-against-

MOTIVIC N.Y., INC., a New York corporation, d/b/a
MOTIVIC N.Y. d/b/a MOTIVIC d/b/a
MOTIVICNY.COM d/b/a SEVEN STARS
INDUSTRIES, LTD. d/b/a TPF, and KEN CHIU, an
individual, d/b/a MOTIVIC N.Y. d/b/a MOTIVIC d/b/a
MOTIVICNY.COM d/b/a SEVEN STARS
INDUSTRIES, LTD. d/b/a TPF, and DOES 1-10

Defendants.

Case No. 08-CIV-6418

STIPULATED CONSENT
PRELIMINARY INJUNCTION AND
ORDER CONFIRMING SEIZURE And Unsealing
The Entire Case. PTC

WHEREAS, this action having been commenced by the Plaintiff, Chanel, Inc.
("Chanel"), against the Defendants, Motivic N.Y., Inc., a New York corporation, d/b/a Motivic

N.Y. d/b/a Motivic d/b/a MotivicNY.com d/b/a Seven Stars Industries, Ltd. d/b/a TPF (“Motivic NY”) and Ken Chiu, an individual, d/b/a Motivic N.Y. d/b/a Motivic d/b/a MotivicNY.com d/b/a Seven Stars Industries, Ltd. d/b/a TPF (“Chiu”) (collectively the “Motivic Defendants”) alleging *inter alia*, trademark counterfeiting and trademark infringement, and false designation of origin and a copy of the Summonses, Complaint, Temporary Restraining Order and Seizure Order and supporting papers having been served upon each of the Motivic Defendants:

IT IS STIPULATED, ORDERED, ADJUDGED AND DECREED that:

1. This Court has jurisdiction of the subject matter of all counts of this action and over all of the named parties hereto.

2. Chanel is the owner of the following trademarks (the “Chanel Marks”) in connection with quality jewelry products:

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
CHANEL	0,612,169	September 13, 1955
CHANEL	0,902,190	November 10, 1970
CC MONOGRAM	1,501,898	August 30, 1988
CHANEL	3,133,139	August 22, 2006
NO. 5	3,149,203	September 26, 2006

4. The Motivic Defendants and their respective officers, agents, servants, employees and attorneys, and all persons in active concert and participation with them are hereby restrained and enjoined, pending termination of this action from, intentionally and/or knowingly:

- A. manufacturing or causing to be manufactured, importing, advertising, or promoting, distributing, selling or offering to sell counterfeit and infringing goods; bearing the Chanel Marks;
- B. using the Chanel Marks in connection with the sale of any unauthorized

goods;

- C. using any logo, and/or layout which may be calculated to falsely advertise the services or products of the Motivic Defendants as being sponsored by, authorized by, endorsed by, or in any way associated with the Plaintiff;
- D. falsely representing themselves as being connected with the Plaintiff, through sponsorship or association,
- E. engaging in any act which is likely to falsely cause members of the trade and/or of the purchasing public to believe any goods or services of the Motivic Defendants, is in any way endorsed by, approved by, and/or associated with the Plaintiff;
- F. using any reproduction, counterfeit, copy, or colorable imitation of the Chanel Marks in connection with the publicity, promotion, sale, or advertising of any goods sold by the Motivic Defendants, including, without limitation, quality jewelry products;
- G. affixing, applying, annexing or using in connection with the sale of any goods, a false description or representation, including words or other symbols tending to falsely describe or represent the Motivic Defendants' goods as being those of the Plaintiff, or in any way endorsed by the Plaintiff;
- H. offering such goods in commerce; and from otherwise unfairly competing with the Plaintiff.
- I. secreting, destroying, altering, removing, or otherwise dealing with the unauthorized products or any books or records which contain any information relating to the importing, manufacturing, producing, distributing, circulating, selling, marketing, offering for sale, advertising, promoting, renting or displaying of all unauthorized products which infringe the Chanel Marks; and

J. effecting assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in subparagraphs (A) through (I).

4. The \$5,000.00 bond posted by the Plaintiff in compliance with the Order To Show Cause shall be released.

5. The seizure effectuated on July 23, 2008 pursuant to this Court's Order is hereby confirmed. The seal in this matter is hereby released. *The Clerk of Court is directed to unseal the entire Case File, All documents currently under seal shall be made*
SO STIPULATED: *public.*

DATED this 24 day of July, 2008.

Respectfully submitted,

Plaintiff: Chanel, Inc.
Through its counsel:

GIBNEY, ANTHONY & FLAHERTY, LLP

By:

John Macaluso
John Macaluso
665 Fifth Avenue
New York, New York 10022
Telephone: (212) 688-5151
Facsimile: (212) 688-8315
E-mail: jmacaluso@gibney.com

Defendants: Motivic N.Y., Inc. and
Ken Chiu

By:

Ken Chiu
Ken Chiu, individually, and as
representative of Motivic N.Y., Inc.

IT IS SO ORDERED:

Dated: July 24, 2008

SO ORDERED: JUL 29 2008

Paul A. Crotty
HON. PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE